

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE, NASHVILLE DIVISION**

**CHELSIE NITSCHKE and CYNTHIA  
GEORGE,** )  
 )  
 )  
**Plaintiffs,** )  
 )  
**v.** )  
 )  
**VILLAGES AT FOREST VIEW, LLC; VFFV  
PARTNERS, LLC; HOSTETTLER,  
NEUHOFF & DAVIS, LLC d/b/a HND  
REALTY, LLC; BERNARD L. WEINSTEIN  
D/B/A BERNARD L. WEINSTEIN &  
ASSOCIATES; BERNARD L. WEINSTEIN &  
ASSOCIATES, LLC; AND BACAR  
CONSTRUCTORS, INC.** )  
 )  
**Defendants.** )

**No.: 3:24-cv-01342**

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**JOINT MOTION TO CONTINUE TRIAL DATE**

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Plaintiffs, Chelsie Nitschke and Cynthia George, and Defendants, Villages At Forest View, LLC, VFFV Partners, LLC, Hostettler, Neuhooff & Davis, LLC d/b/a HND Realty, LLC, Bernard L. Weinstein d/b/a Bernard L. Weinstein & Associates, Bernard L. Weinstein & Associates, LLC, (“BLW”) and BACAR Constructors, Inc. (“Bacar”) (collectively the “parties”) hereby file this Joint Motion to Continue the Trial Dates currently set (“Joint Motion”).

1. This matter is currently set for trial on April 21, 2026.
2. These trial dates were set prior to the addition of Defendants, BLW and Bacar.
3. Defendants, BLW and Bacar were added as Defendants to this lawsuit on March 25, 2025.

4. On April 24, 2025, Jefferson C. Orr and Brenden T. Holbrook filed a Notice of Appearance on behalf of BLW.

5. Unfortunately, on May 21, 2025, Mr. Orr suddenly passed away after a short, aggressive bout with leukemia. BLW filed a Notice of Withdraw for Mr. Orr on June 24, 2025.

6. The Defendants filed a Joint Motion to amend the current case management order on August 1, 2025 [Doc. 46]. The Court entered an Order on August 11, 2025, requiring the parties to meet and confer no later than August 15, 2025 [Doc. 49], to come to an agreement upon the proposed amendments to the case management order.

7. The parties met and conferred regarding the current case management order on August 13, 2025. Present during this conference were Eric Calhoun, Plaintiff's counsel, Danica Suedekum, VFV's counsel, Brenden Holbrook, BLW's counsel, and Shannon Renne, Bacar's counsel.

8. The Parties were unable to agree on certain outstanding pretrial deadlines. Defendants' position is set forth in their Motion filed on August 1, 2025 [Doc. 46]. Plaintiffs' position is set forth in the Response Plaintiff filed on August 8, 2025. [Doc. 48]. Plaintiffs also anticipate filing a proposed order with alternative dates for extending deadlines.

9. During this conference, the parties collectively agreed that the most practical solution to address the Defendants' issues with the current scheduling deadlines was to request a brief continuance of only sixty (60) days to the current trial date.

10. As good cause, the parties would show that the current trial date was identified prior to the addition of BLW and Bacar as Defendants to this lawsuit. BLW and Bacar filed an Unopposed Motion [Doc. 46] to extend their deadline to disclose an expert on July 7, 2025. As

noted in that Motion, the Initial Case Management Deadline set forth an Expert Disclosure Deadline of March 28, 2025, which was only three days after Bacar and BLW were added as Defendants.

11. The Court subsequently granted that Motion, permitting Defendants to disclose their experts no later than August 1, 2025 [Doc. 45]. However, the Motion [Doc. 44] did not request relief to amend other upcoming deadlines, such as written discovery, fact witness depositions, expert depositions, and dispositive motions.

12. The parties collectively need more time to complete expert and fact discovery in light of BLW and Bacar's addition to this lawsuit as Defendants. Instead of attempting to cram all necessary discovery into a short period of time around Thanksgiving and Christmas, the parties believe the more effective solution would be to continue the trial by sixty (60) days to allow additional time to complete fact and expert discovery.

13. The Parties have scheduled a mediation for September 10, 2025 and seek to conserve resources until the potential mediation has been completed and avoid costly discovery.

14. In the event the Court grants this Motion, the parties anticipate submitting proposed new dates for certain pretrial deadlines that will ensure that dispositive motions will be due early enough that briefing will be completed at least 120 to 150 days before trial to give the Court sufficient time to consider and rule on any such dispositive motions before pretrial filings are due.

15. Therefore, the Parties respectfully request a continuance of the trial date to account for the additional time necessary to complete discovery and forthcoming requests to amend other scheduling deadlines. The Parties have made diligent efforts to comply with the deadlines set forth in the Initial Case Management Order, but are now unable to do so. This is the Parties' first request

to continue the trial date and hereby respectfully request a trial date no earlier than June 22, 2026 and no later than August 10, 2026.

Respectfully submitted,

/s/ Danica G. Suedekum (w/p B. Holbrook)

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing has been served via the CM/ECF's electronic filing system on this 25<sup>th</sup> day of August 2025 upon:

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